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FOR THE FIRST CIRCUIT

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NOTICE OF FINAL AMENDMENT TO LOCAL RULE 28

On April 10, 2006, this court amended Local Rule 28, on an immediate basis, to clarify the court's expectations as to the content of addendum to briefs. At the same time, the court solicited comments. No comments were received.

The court hereby provides notice of the final adoption of the amendments made on April 10, 2006. A copy of Local Rule 28, with the amendments incorporated, is attached.

June 20, 2006

Richard Cushing Donovan

Local Rule 28. Addendum to Briefs Required

(a) Contents. In addition to the requirements of FRAP 28, for the court's convenience, the brief of the appellant must include an addendum containing the following items:

- (1) The judgments, rulings or orders appealed from and any supporting opinions, memoranda, or statements of reasons, including but not limited to:
 - (A) in cases where the district court adopts a magistrate judge's report and recommendation, the report and recommendation should be included in addition to the order adopting it;
 - (B) in cases where the district court reviewed an agency decision, the agency decision should be included as well as the district court order or opinion; and
 - (C) in immigration cases, the Immigration Judge's decision should be included in addition to the Board of Immigration Appeals decision.
- (2) The portions of any instructions to the jury which are the subject of appeal;
- (3) Pertinent portions of any document in the record that is the subject of an issue on appeal; and
- (4) Other items or short excerpts from the record, if any, considered necessary for understanding the specific issues on appeal.

(b) Form. The addendum must be limited to 20 pages (exclusive of the items identified in subsection (a)(1)) and shall be bound at the rear of the appellant's brief. The addendum must begin with a table of contents identifying the page at which each part begins.

- (1) The appellee's brief may include such an addendum to incorporate materials omitted from the appellant's addendum, subject to the same limitations on length and content.
- (2) Material included in the addendum need not be reproduced in the appendix also.

(c) Sealed Items. Notwithstanding the above, sealed or non-public items - - including a presentence investigation report or statement of reasons in a judgment of criminal conviction - - should not be included in a public addendum. Rather, where sealed items are to be included, they should be filed in a separate, sealed addendum.